

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARLISLE & 140, LLC,

Plaintiff,

v.

No. 1:23-cv-0784 MLG/DLM

WHOLE FOODS MARKET
ROCKY MOUNTAIN/SOUTHWEST, L.P.;
WFM-WO, INC.; and ROBERT CROUSE,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court following Defendants filing an Amended Notice of Removal (Doc. 14) pursuant to the Court's order to do so. (Doc. 10.) The Amended Notice of Removal, however, does not comply with the Court's Order because it failed to allege facts sufficient establish the citizenship of the Plaintiff LLC. In both the original Notice of Removal and the Amended Notice, Defendants make the following identical statement about Plaintiff: "Upon information and belief, as alleged by Plaintiff in their Complaint, Plaintiff is a domestic limited liability company with its principal place of business in Bernalillo County, New Mexico. See Plaintiff's Complaint ¶ 1." (Docs. 1 at 3 ¶ 10; 14 at 4 ¶ 16.)

The Court held a status conference on September 19, 2023, in which it informed the parties that it would issue an order requiring Defendants to file an amended notice of removal properly alleging the citizenship of the members of the Plaintiff LLC. (Doc. 9.) That same day, the Court issued the Order requiring an amended notice of removal. (Doc. 10.) The Order stated that asserting only Plaintiff's principal place of business would have been sufficient if "Plaintiff [was a

corporation] as a corporation is ‘deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.’ *See* 28 U.S.C. § 1332(c).” (Doc. 10 at 2.) The Order stated, however, “Plaintiff is a limited liability company and [not] a corporation . . . , and diversity jurisdiction must be established by offering evidence of the citizenship of each of [its] members.” (*Id.* at 2–3.) Defendants’ Amended Notice of Removal failed to offer evidence of the citizenship of each of the members of the Plaintiff LLC, so the Court will order Defendants to show cause why the presiding judge should not dismiss or remand this matter for lack of subject matter jurisdiction.

THEREFORE, IT IS ORDERED that Defendants WFM and Crouse shall show cause in writing why the presiding judge should not dismiss or remand this matter by **October 11, 2023**.



DAMIAN L. MARTINEZ
UNITED STATES MAGISTRATE JUDGE